

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GAETANO D'ATTORE,

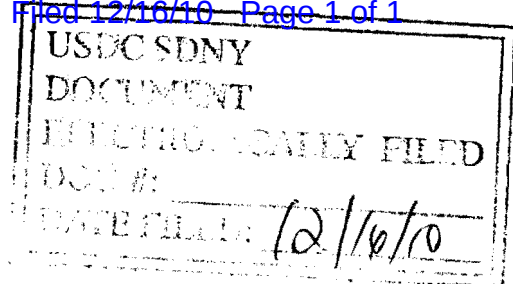
Plaintiff,

-v-

CITY OF NEW YORK, et al.,

Defendants.
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JED S. RAKOFF, U.S.D.J.



10 Civ. 1782 (JSR)

ORDER

On November 23, 2010, the Honorable Michael H. Dolinger, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court dismiss the complaint as against defendant Spencer, with prejudice.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, dismisses the complaint as against defendant Spencer, with prejudice.

SO ORDERED.

Dated: New York, NY
December 15, 2010


JED S. RAKOFF, U.S.D.J.